

Article - Environment

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§9–649.

(a) This section does not authorize the creation of a service area that includes territory in another service area.

(b) If the required number of property owners sign a petition that requests the creation of a service area in a district, the sanitary commission shall review the petition.

(c) The required number of petitioning property owners is:

(1) In Dorchester County, the lesser of:

(i) 25 percent of the property owners in the proposed service area; or

(ii) 25 property owners in the proposed service area; and

(2) In any other member county, 25 property owners in the proposed service area.

(d) The petition:

(1) Shall include a definite statement of the boundaries of the proposed service area;

(2) May request that the proposed service area be designated as a new service area; and

(3) If the proposed service area is contiguous to an existing service area, may request that the existing service area be extended to include the proposed service area.

(e) If the sanitary commission approves the petition, the sanitary commission may:

(1) Obtain a preliminary engineering survey that describes the feasibility and probable costs of providing to the service area the services that a district can provide under this subtitle; and

(2) Submit the approved petition to the governing body of each member county of the proposed service area for consideration by that governing body.

(f) If the sanitary commission disapproves the petition or does not obtain an engineering survey, the sanitary commission shall:

(1) Notify each petitioner by mail of the sanitary commission's action;
and

(2) Include in the notice an estimate of the cost of obtaining the engineering survey.

(g) If the sanitary commission does not get an engineering survey, the sanitary commission may not take further action on the petition unless the petitioners pay to the district the estimated cost of the engineering survey.

(h) If the petitioners pay the estimated cost of the engineering survey, the sanitary commission shall obtain the engineering survey in accordance with this section.

(i) If the petitioners pay the cost of a survey under this section and if a service area later is created or changed under this section, the sanitary commission shall repay to the petitioners the survey costs incurred by the petitioners.

(j) When the preliminary engineering survey is complete and after giving notice in accordance with this section, the sanitary commission shall hold a public hearing to consider the petition.

(k) (1) For at least 3 weeks before the hearing, notice of the hearing shall be published in each member county once a week in at least 1 newspaper of general circulation in the county.

(2) The notice shall include:

(i) A description of the proposed service area; and

(ii) The time and place of the hearing.

(l) At the hearing, the sanitary commission shall provide a report of:

(1) The latest estimate of the cost of creating the proposed service area;

(2) The latest estimate of the cost of providing facilities in the proposed service area; and

(3) How much of the cost will be funded by issuing bonds under this subtitle.

(m) In deciding on a petition presented under this section, the sanitary commission shall consider:

(1) The standards required under § 9-647 of this subtitle; and

(2) Whether granting the petition would require a bond issuance that is excessive under subsection (n) of this section.

(n) A bond issuance is excessive if:

(1) The bond issuance is for funding a proposed service area; and

(2) After the bond issuance, the unamortized balance of bonds issued for the proposed service area would exceed 25 percent of the total value of property in the service area, as assessed for county taxation.

(o) The sanitary commission shall deny the petition if:

(1) Granting the petition would violate the standards of § 9-647 of this subtitle; or

(2) Granting the petition would require a bond issuance that is excessive under subsection (n) of this section.

(p) The sanitary commission shall:

(1) Issue an order that denies, grants, or modifies the petition; and

(2) Publish its order in each member county where the proposed service area is located in at least 1 newspaper of general circulation in the county.

(q) (1) The governing bodies of the member counties in the proposed service area shall review the order of the sanitary commission, if at least 10 individuals who own property in and reside in the proposed service area request a review of the order within 10 days after notice of the sanitary commission's order is published.

(2) After due notice, the governing bodies of the member counties at a hearing shall consider de novo the factors that the sanitary commission was required to consider.

(3) After the hearing, the governing bodies of the member counties may affirm or reverse the order of the sanitary commission.

(r) (1) When a proposed service area is approved finally under this section, the sanitary commission shall file plats of the service area:

(i) In the office of the sanitary commission;

(ii) With the governing body of each county in which any part of the service area lies; and

(iii) With the clerk of the circuit court for each county in which any part of the service area lies for filing in a plat book among the land records.

(2) The plats required under this subsection shall:

(i) Be made under the supervision of the sanitary commission's engineers;

(ii) Show the boundaries of the service area; and

(iii) In the case of the plat filed among the land records, be indexed in the records in the names of the district and the service area.

(s) If a service area created under this section is a new service area, the sanitary commission shall give the service area a distinctive name.

(t) A service area is created when the requirements of this section have been met.

(u) Each service area created under this section is a separate taxing district.

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